

**OPTOMETRY EXAMINING BOARD  
MADISON, WI  
MINUTES  
NOVEMBER 8, 2002**

**PRESENT:** Kerry Griebenow, Leon Griffin, Heather Hinson, Chris Hubbell, Jeff Sarazen

**EXCUSED:** Raymond Heiser, Lynne LeCount

**STAFF PRESENT:** Kimberly Nania, Ruby Jefferson-Moore, Grace Schwingel,  
Gail Pizarro-Exam Office, DOE Staff

**GUESTS:** Peter Theo, WOA  
Brian Elliott, Whyte, Hirschboeck, Dudek

**CALL TO ORDER**

Chris Hubbell, Chair, called the meeting to order at 9:32 a.m. A quorum of 5 members was present.

**AGENDA**

Additions to Agenda: Approval of Minutes of 9/13/02. Delete approval of minutes of 7/12/02. Changing order of agenda--Agenda Item C will be discussed after the minutes are approved. There will be a brief discussion, under Other Board Business, on the status of OPTO 449.

**MOTION:** Jeff Sarazen moved, seconded by Kerry Griebenow, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 12, 2002**

**MOTION:** Kerry Griebenow moved, seconded by Leon Griffin, to approve the minutes of September 13, 2002 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

None

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER  
MAILING OF AGENDA – JAMES M. FERRELL, O.D.**

Mike Berndt, DOE, presented the proposed stipulation for James Ferrell, O.D. Dr. Griffin was the case advisor.

## **REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES**

None

### **DISCUSSION RE: MAIL ORDER CONTACT LENS**

The Board discussed their concerns with the practice of unlicensed people dispensing contact lenses by mail order. The authority to regulate mail order is under the jurisdiction of the Department of Justice. This is an issue that the WOA has been trying to deal with and it is appealing to their members for more information on these types of cases to determine if harm is being done to the public by having unlicensed individuals dispense contact lenses by mail order. It was noted that FDA law does indicate that contact lenses can't be dispense without a license.

### **DISCUSSION RE: POSSIBLE RULE CHANGE**

### **OPT 6 REVIEW REGARDING ON-LINE OR JOURNAL BASED CONTINUING EDUCATION FOR OPTOMETRY**

Noted

### **DISCUSSION RE: ARBO**

None

### **CE PROGRAM PLANNING REPORT- BARBARA SHOWERS**

Barbara Showers of the Exam Office participated in a discussion of CE requirements and revisions regarding the auditing of CE compliance.

### **CE REQUIREMENTS AND REVISIONS**

The Board had a lengthy discussion about the CE requirements of Wisconsin and other states. The Board stated that revisions that may need to be made to Wisconsin's statutory language to allow a limited number of hours for correspondence and internet courses that are available to licensees. The Board would like to accept any COPE approved courses. The Board was interested in Wyoming's approach, which allows the Board to define CE by correspondence.

The Board discussed criteria for CE courses.

The auditing standard the Board would like to adopt would involve doing a 10% random sampling of TPA certificate holders at the Board meeting in November 2003. Any individual that has a case opened against them, after a complaint has been received by the Department and gone through the screening process, would automatically be audited. It was recommended that an article regarding CE and auditing criteria be written up and put in the Regulatory Digest. At the March 2004 meeting the Board will discuss whether the audit should be done before the renewal period or after applicants have received their license. Doing the audit before the renewal period is more of a reminder to applicants; doing the audit after the applicant has renewed their

license is an audit verifying the statement made on the application form and can result in DOE prosecution if the CE requirement has in fact, not been met. The Board would like to review the CE material that applicants send in.

Legal Counsel, Ruby Jefferson-Moore, distributed and reviewed COPE information from the Internet. The Board did not see any need to make changes to the COPE Internet check sheet. A scope statement will be prepared on continuing education based on criteria discussed at today's meeting.

### **DISCUSSION OF MINIMUM EYE EXAMINATION AND SCREENING**

Gail Pizarro from the Exam Office reported on the Minimum Eye Examination and Screening process noting that people can access the data base publicly and the system seems to be working well. There was a discussion of the issues involved and what is required if a licensed optometrist in Wisconsin does volunteer work, giving eye examinations. This is not an issue in other states that do not have criteria for a minimum eye examination. The Board will look into the matter of adding an exception to the statutes that would address the liability issues for a licensed optometrist doing volunteer eye examinations in Wisconsin.

The Board would like to know how other health professions (medical, chiropractic, and dental) handle work in the profession, on a volunteer basis, by its licensees. Legal Counsel, Ruby Jefferson-Moore, noted that while other states may not have a minimum requirement for eye examinations in writing, they must have a standard of practice in the profession. Peter Theo will get information on the AOA guidelines on screening. For the Board's next agenda, Jeff Sarazen will gather information on the issue of minimum eye exams and how other states handle this concern.

### **DISCUSSION OF NATIONAL EXAM RESULTS – GAIL PIZZARRO**

Gail Pizarro reported on the results of the national exam, noting that the pass rate is lower than usual. The whole Board will look at both the "A" and "B" version of the jurisprudence exams this winter, here at the Department, in two sessions following two separate board meetings. Gail Pizarro will review the exams to see which questions have presented a problem and point those out to the Board.

### **VISITOR'S COMMENTS**

None

### **CLOSED SESSION**

**MOTION:** Chris Hubbell moved, seconded by Leon Griffin, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) – 9:30 a.m. Motion carried by roll call vote: Kerry Griebenow-yes, Leon Griffin (Vice Chair)-yes Heather Hinson-yes, Chris Hubbell (Chair)-yes, Jeff Sarazen-yes. Motion carried unanimously.

Open Session recessed at: 12:25 p.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Kerry Griebenow moved, seconded by Jeff Sarazen, to reconvene into open session at 12:40 p.m.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

### **DELIBERATION OF PROPOSED STIPULATION**

#### **JAMES M. FERRELL, O.D.**

**MOTION:** Heather Hinson moved, seconded by Jeff Sarazen, to accept the Findings of Fact, Conclusions of Law and Order in the stipulation regarding James Ferrell, O.D. Leon Griffin, case advisor, abstained. Motion carried.

### **DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA**

None

### **DELIBERATION OF ADMINISTRATIVE WARNINGS ISSUED AFTER MAILING OF AGENDA**

None

### **TPA ADVERSE REACTION REPORT**

None

### **DIVISION OF ENFORCEMENT – CASE STATUS REPORT**

None

### **INFORMATIONAL ITEMS**

Noted

### **OTHER BOARD BUSINESS**

Legal Counsel, Ruby Jefferson-Moore, reported that due to budgetary issues facing the legislature, the Board's request for changes to OPTO 449 were not dealt with this year by the legislature and will have to be resubmitted to the legislature again in January 2003.

## **ADJOURNMENT**

**MOTION:** Jeff Sarazen moved, seconded by Heather Hinson, to adjourn the meeting at 12:45p.m. Motion carried unanimously.

**Next meeting: Friday, January 17, 2003**